



## UNITED STATES PATENT AND TRADEMARK OFFICE

OFFICE OF ENROLLMENT AND DISCIPLINE

Mr. Charles C. McCloskey  
Patent Law Office, LC  
763 S. New Ballas Road, Suite 170  
St. Louis, Missouri 63141

Re: Henry W. Cummings  
OED File No. C2006-123

Dear Mr. McCloskey:

Enclosed is a copy of the Final Order entered on August 21, 2008, and the Notice of Exclusion on Consent signed on August 21, 2008. The Notice of Exclusion will be submitted for publication in the Official Gazette.

In accordance with the Final Order, Mr. Cummings is no longer authorized to practice before the United States Patent and Trademark Office (Office) in patent, trademark, or other non-patent cases. 37 CFR § 10.158(a). All clients' files regarding patent applications that are pending or abandoned as of August 21, 2008, should be turned over to the respective clients, or to a registered practitioner designated by the clients if this has not already occurred. 37 CFR § 10.158(b)(2). The same obtains for all active trademark and other non-patent cases.

The provisions of 37 CFR § 10.158 require that within 30 days of entry of the Final Order that Mr. Cummings notify all bars of which he is a member and all clients for whom he handled matters before the Office in separate written communications of the exclusion, and file a copy of each communication with the Director of Enrollment and Discipline (OED Director). 37 CFR § 10.158(b)(1). Within the same period, if he has not already done so, Mr. Cummings is required to surrender a client's active Office case files to either the client or another practitioner designated by the client, and return to any client any unearned funds, including any unearned retainer fee, and any securities or property of a client. 37 CFR § 10.158(b)(2) and (b)(8).

Mr. Cummings is also required to "[p]romptly take any necessary and appropriate steps to remove from any telephone, legal, or other directory any advertisement, statement, or representation which would reasonably suggest that [he is] authorized to practice patent, trademark, or other non-patent law before the Office, and within 30 days of taking those steps, file with the [OED] Director an affidavit describing the precise nature of the steps taken." 37 CFR § 10.158(b)(4).

PETITIONER  
Ex. J

**UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE DIRECTOR OF THE UNITED STATES  
PATENT AND TRADEMARK OFFICE**

In the Matter of )  
 )  
Henry W. Cummings ) Exclusion on Consent  
 ) File No. C2006-123  
Respondent )  
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**FINAL ORDER**

The attached Affidavit of Resignation from Henry W. Cummings, Registration No. 22563, conforming to the requirements set forth in 37 C.F.R. §§ 10.133(b) and (c), is hereby APPROVED AND ENTERED.

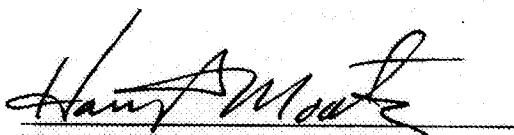
Accordingly, it is:

ORDERED that Henry W. Cummings be excluded on consent as of August 21, 2008.

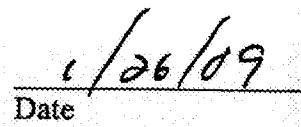
ORDERED that Henry W. Cummings comply with the requirements of 37 C.F.R. § 10.158.

ORDERED that the Director of Enrollment and Discipline, pursuant to the provisions of 37 C.F.R. § 10.159, give notice of Henry W. Cummings's exclusion on consent to appropriate employees of the USPTO and to interested departments, agencies, and courts of the United States, and to appropriate authorities of any state in which Mr. Cummings is known to be a member of the bar and any appropriate bar association.

Please note that compliance with all of the provisions of 37 CFR § 10.158 is necessary if, after being excluded, Mr. Cummings seeks reinstatement to practice before the Office in patent cases. 37 CFR § 10.160(d).



Harry I. Moatz  
Director of Enrollment and Discipline  
571-272-6069



1/26/09

Date

Enclosures